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10/009,499	05/30/2002	Claus Pedersen	087955-0260	4966

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EXAMINER	
NGUYEN, CINDY	
ART UNIT	PAPER NUMBER
2161	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/009,499	PEDERSEN, CLAUS	
	Examiner	Art Unit	
	CINDY NGUYEN	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/15/09*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *24-30,32-35 and 47-59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *24-30,32-35 and 47-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/15/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is response to communication filed 12/15/09.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 12/15/2009 is being considered by the examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 50, 55, 58 and 59 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 50, 55 and 58 recited "A computer readable medium". However, "A computer readable medium" is reasonable interpretation to a computer readable medium covers forms of non-transitory tangible media and transitory propagating signals per se and is not limited to tangible embodiments. As such, the claim is not limited to statutory subject matter and is therefore non-statutory. The Examiner suggests amending claims 50, 55 and 58 to narrow the claim to cover only statutory embodiments to avoid a reject under 35 USC § 101 by adding the limitation "non-transitory" the claim. (see MPEP 2106).

Claims 59, full incorporating the deficiencies of its parent claim, is likewise rejected

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 24-30, 32-35, 47-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (US 20010003828, hereafter Peterson) in view of Applicant's admitted prior art.

Regarding claims 47 and 51, Peterson discloses: A method and a server, comprising:

a processor unit (see paragraph 0054, line 7); and

a memory unit operatively connected to the processor unit and including (see paragraph 0054, lines 4+);

receiving data packets, within the data packets, receiving a request, the request comprising information of at least one access point indicating a location of the server to be accessed **(i.e., client is equipped with the broadcast receiver to receive the packets, see paragraph 0077)**; and an instruction to the server to send a copy of a first content from a

location in the server together with a copy of link content simultaneously **(i.e., instructions telling the delivery subsystem which mechanism to use to obtain the data such fetching, broadcast, multicast, see paragraph 0077, further such as Webcast center fetching content from web sites and bundles them into composite package files (interpreted as** copy of a first content from a location in the server together with a copy of link content simultaneously) **and transmits the packages over the broadcast medium, see paragraphs 0112; 0113),** wherein the first content of at least one access point is identified by an identifier/URLs and the first content is associated with the link content (see paragraphs 0102, 0080, Peterson); and

Peterson didn't discloses that the data packets according to the Wireless application protocol. However, Nykanen art teaches the Wireless Application Protocol (WAP) clients, such as wireless markup language browsers (see col. 4, lines 37-45). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to replace the wireless application request queries include the wireless network protocol with WAP in the system of Peterson as taught by Nykanen. The motivation being to detect when a WAP client has moved into the area of the piconet, whereby push type data transmission can be started by the WAP server and reduced data transmission cost.

effectuating a process of simultaneously fetching the copy of the first content and the link content from the server (i.e., Webcast center 152 retrieves the pages from the page cache 162, bundles them into composite package files and fetching the package files/first content and the link content, see paragraphs 0113, Peterson).

Regarding claims 24 and 58, Peterson discloses: A cellular communication terminal (see paragraph 0012, lines 5) and a computer program product, embodied on a computer-readable medium for fetching content from at least one server, comprising:

a receiver and a transmitter with configured to receive and transmit data packets from at least one through a gateway or proxy server which transmits the data packets **(i.e., client is equipped with the broadcast receiver to receive the packets, see paragraph 0077; and transmits the packets over the broadcast medium, see paragraph 0113)** between the terminal and at least one server **(i.e., client-server, see paragraphs 0041; 0045, Peterson)**;

a first memory (local cache) comprising an identifier (URL) and at least one item (web content), the at least one item having an access point which indicates a location of the at least one server to be accessed (i.e., the delivery subsystem 94 stores the web content 28 in local cache 116, see paragraph 0080), wherein the at least one server is accessed by sending the identifier to the gateway or proxy server to identify a first content to be accessible at the at least one server (see paragraphs 0076; 0080) and wherein the first content is associated with link content provided at different locations in the at least one server or in another server **(i.e., web content may from the same server or multiple servers, see paragraphs 0045, lines 7+; 0050; 0065; 0080);**

processor configured to read an item from the first memory and to establish a session to the gateway or proxy server (see paragraph 0081), and to fetch a copy of the first content from the at least one server, at the location indicated by the access point, to be stored in the first memory (local cache 116) or in a second memory **(i.e., fetching content from web sites and**

stored them in a page cache 162, see paragraphs 0112, lines 7+; 0113; 0084), wherein the second memory is arranged to store temporarily or permanently the copy of the first content (**page cache 162**/second memory, see paragraph 0113, lines 4+ , Peterson);

a user interface connected to the processor, the user interface including a display configured to display the copy of the first content received from the at least one server and a user input, configured to control the processor **(i.e., the user interface 122, see paragraph 0081; 0080;0089; 0090, Peterson);**

wherein the receiver and transmitter are configured to fetch a copy of the first content and a copy of the link content simultaneously upon a request generated by the processor **(i.e., the broadcast receiver routes the packets to the packet rebuilder 112, which reconstructs/configured the data from the packets, see paragraph 0077)**, the transmitter configured to send the request as a data packet, comprising an instruction to the at least one server to send the copy of the first content from a given location in the at least one server, indicated by the access point, together with a copy of the link content, simultaneously **(i.e., instructions telling the delivery subsystem which mechanism to use to obtain the data such fetching, broadcast, multicast, see paragraph 0077, further such as Webcast center fetching content from web sites and bundles them into composite package files (interpreted as** copy of a first content from a location in the server together with a copy of link content simultaneously) **and transmits the packages over the broadcast medium, see paragraphs 0112; 0113)**, wherein the first content of at least one access point is identified by an

identifier/URLs and the first content is associated with the link content (see paragraphs 0102, 0080, Peterson);

Peterson didn't discloses that the data packets according to the Wireless application protocol and Wherein the terminal is a cellular phone. However, Nykanen art teaches the Wireless Application Protocol (WAP) clients, such as wireless markup language browsers(see col. 4, lines 37-45) and Wherein the terminal is a cellular phone (see col. 11, lines 18-20, Nykannen). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to replace the wireless application request queries include the wireless network protocol with WAP in the system of Peterson as taught by Nykanen. The motivation being to detect when a WAP client has moved into the area of the piconet, whereby push type data transmission can be started by the WAP server and reduced data transmission cost.

Regarding claims 25 and 59, all the limitation of these claims have been note in rejection of claims 24 and 58 above, respectively. In addition, Peterson discloses: wherein the first content and the link content is provided in the same server (i.e., web content may originate from one server, see paragraph 0045, lines 7+).

Regarding claim 26, all the limitation of this claim have been note in rejection of claim 24 above. In addition, Peterson discloses: wherein a pull means is provided with a selecting means, in order to choose which content is to be fetched (see paragraph 0046, lines 3+).

Regarding claim 27, all the limitation of this claim have been note in rejection of claim 24 above. In addition, Peterson discloses: wherein the second memory is an external memory, provided with a connection to the terminal (see paragraph 0113, lines 3-5).

Regarding claim 28, all the limitation of this claim have been note in rejection of claim 24 above. In addition, Peterson discloses: wherein the second memory is in the terminal (i.e., local cache 116, see paragraph 0079).

Regarding claim 29, all the limitation of this claim have been note in rejection of claim 24 above. In addition, Peterson discloses: wherein the second memory is a cache memory (i.e., local cache 116, see paragraph 0079).

Regarding claim 30, all the limitation of this claim have been note in rejection of claim 24 above. In addition, Nykanen discloses wherein the first memory is a SIM card (i.e., SIM card, see col. 6, lines 12-16, Nykanen).

Regarding claim 32, Peterson discloses: a method comprising: reading an item in the first memory and an identifier comprising an identifier (URL) and at least one item of a server to be accessed (i.e., retrieving/reading the web page form the web server 140, see paragraphs 0140, lines 3+; 0143, lines 12+),

generating a request, the request comprising information of the at least one access point **(request for data from the server(s)/access point, see paragraphs 0046; 0049; 0050),** and the identifier identifying a first content of the at least one access **(i.e., URLs of the web contents, see paragraphs 0076; 0080; 0103)** , the first content being associated with link content provided at different locations in the server or in another server **(i.e., content is bundled for presentation to the user... the content may be the aggregation of data from many different sources/different locations, see paragraphs 0050; 0051; 0045, Peterson)**;

Peterson didn't discloses that the data packets according to the Wireless application protocol. However, Nykanen art teaches the Wireless Application Protocol (WAP) clients, such as wireless markup language browsers(see col. 4, lines 37-45). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to replace the wireless application request queries include the wireless network protocol with WAP in the system of Peterson as taught by Nykanen. The motivation being to detect when a WAP client has moved into the area of the piconet, whereby push type data transmission can be started by the WAP server and reduced data transmission cost.

initiating a session to a gateway or proxy server, by transmitting the request from the cellular communication terminal to the gateway or proxy server, the gateway or proxy server sending data packets between the terminal and the server **(i.e., transferring information between WAP client the WSP session protocol offers a connection point to the transfer protocols ... see col. 8, lines 36-49; and data transmission of the stream data/packets service of the piconet in case broadcast**

type data transmission… see col. 10, lines 8+; col. 11, lines 18-21; col. 4, lines 12-17, Nykanen). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to replace the wireless application request queries include the wireless network protocol with WAP in the system of Peterson as taught by Nykanen. The motivation being to detect when a WAP client has moved into the area of the piconet, whereby push type data transmission can be started by the WAP server and reduced data transmission cost.

establishing a session between the terminal and the gateway or proxy server (see paragraph 0110) , wherein the request and has an instruction to the server to send a copy of the first content from a given location in the server, indicated by the access point, together with a copy of the link content, simultaneously **(i.e., instructions telling the delivery subsystem which mechanism to use to obtain the data such fetching, broadcast, multicast, see paragraph 0077, further such as Webcast center fetching content from web sites and bundles them into composite package files (interpreted as** copy of a first content from a location in the server together with a copy of link content simultaneously) **and transmits the packages over the broadcast medium, see paragraphs 0110; 0112; 0113)**;

fetching a copy of the first content and a copy of the link content simultaneously **(i.e., Webcast center 152 retrieves the pages from the page cache 162, bundles them into composite package files and fetching the package files/first content and the link content, see paragraphs 0113, Peterson).**

Regarding claim 33, all the limitation of this claim have been note in rejection of claim 32 above. In addition, Peterson discloses: wherein the copy of the first content and the link content is stored in a second memory (i.e., fetching content from web sites and stores them in a page cache 162, see paragraphs 000112, lines 7+, Peterson).

Regarding claim 34, all the limitation of this claim have been note in rejection of claim 32 above. In addition, Peterson discloses: wherein the copy of the first content and the link content are from the same server (i.e., web content may originate from one server, see paragraph 0045, lines 7+).

Regarding claim 35, all the limitation of this claim have been note in rejection of claim 34 above. In addition, Peterson discloses: comprising fetching a copy of the link content from a further server (i.e., web content may from multiple servers, see paragraphs 0045, lines 7+; 0050; 0080).

Regarding claim 48, all the limitation of this claim have been note in rejection of claim 47 above. In addition, Peterson discloses: wherein the copy of the first content and the link content are from the same server i.e., web content may originate from one server, see paragraph 0045, lines 7+; 0080).

Regarding claim 49, all the limitation of this claim have been note in rejection of claim 47 above. In addition, Nykanen discloses: wherein the copy of the first content and the link content is stored in a memory of a cellular communication terminal (i.e., SIM card, see col. 6, lines 12-16, Nykanen).

Regarding claim 50, Peterson discloses: A computer program product, embodied on a computer-readable medium comprising computer code configured to perform the processes of claim 47 (see paragraph 0056, Peterson).

Regarding claim 52, all the limitation of this claim have been note in rejection of claim 51 above. In addition, Peterson discloses: wherein the copy of the first content and the link content are from the same server i.e., web content may originate from one server, see paragraph 0045, lines 7+; 0080).

Regarding claims 53 and 56, they are the similar in scope to claims 32 and 47, therefore the claims are rejected under similar rationale.

Regarding claims 54 and 57, all the limitation of these claims have been note in rejection of claims 53 and 56 above, respectively. In addition, Peterson discloses: wherein the first content and the link content is provided in the same server (i.e., web content may originate from one server, see paragraph 0045, lines 7+; 0080, Peterson).

Regarding claim 55, Peterson discloses: A computer program product, embodied on a computer-readable medium comprising computer code configured to perform the processes of claim 53 (see paragraph 0056, Peterson).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. N./
Examiner, Art Unit 2161

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161